

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

MAY 11 2005

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

ROBERT F. CRIST,)	Civil Action No. 3:05CV00017
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
THE ROCHESTER CORPORATION,)	
)	
Defendant.)	JUDGE JAMES H. MICHAEL, JR.

Before the court is the presiding United States Magistrate Judge's Report and Recommendation of April 22, 2005, wherein he recommends that the court grant the plaintiff's April 11, 2005 motion to dismiss voluntarily and without prejudice Count III of its Motion for Judgment under Federal Rule of Civil Procedure 41(a)(2). After a careful review of the entire record in this case, and no objection having been filed to the Magistrate Judge's Report within ten (10) days of its service upon the parties, *see* Fed. R. Civ. P. 72(b), the court accepts the Magistrate Judge's Report in its entirety. It is accordingly this day

ADJUDGED, ORDERED, and DECREED

as follows:

1. The Magistrate Judge's Report and Recommendation, filed April 22, 2005, shall be, and it hereby is, ACCEPTED in its entirety;
2. The plaintiff's Motion Pursuant to FRCP 41(a)(2), filed on April 11, 2005 is hereby GRANTED;
3. Count III of the plaintiff's Motion for Judgment is hereby dismissed without

prejudice.

The Clerk of the Court hereby is directed to send a certified copy of this Order to all counsel of record and to Magistrate Judge Crigler.

ENTERED: *John H. Michael, Jr.*
Senior United States District Judge
May 11, 2005
Date